

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

LABORERS PENSION TRUST FUND-
DETROIT AND VICINITY, LABORERS
VACATION AND HOLIDAY TRUST
FUND-DETROIT AND VICINITY,
LABORERS METROPOLITAN
DETROIT HEALTH AND WELFARE
FUND and MICHIGAN LABORERS
TRAINING FUND,

Case No. 2:16-cv-12583
Hon. Robert H. Cleland
Magistrate Judge David R. Grand

Plaintiffs,

v

E and R MASONARY CONSTRUCTION
INCORPORATED, BRICK MASONRY,
INCORPORATED, BMC MASONRY,
INCORPORATED, ROBERTO SANCHEZ,
EFRAIN SANCHEZ, ULICES SANCHEZ
and ELENA SANCHEZ,

Defendants.

**ORDER FOR TELEPHONIC EXAMINATION OF JUDGMENT
DEBTOR, E AND R MASONARY CONSTRUCTION, INCORPORATED,
BY AND THROUGH ITS OFFICER, ROBERTO A. SANCHEZ,
AND RESTRAINING TRANSFER OF CERTAIN PROPERTY
OUTSIDE OF THE ORDINARY COURSE OF BUSINESS**

Roberto A. Sanchez

THIS MATTER having come before this Court on Plaintiffs' Ex-Parte Motion for Telephonic Examination of Judgment Debtor, E and R Masonary Construction, Incorporated, By and Through its Officer, Roberto A. Sanchez, and

Restraining Transfer of Certain Property Outside of the Ordinary Course of Business, and said motion having been duly filed along with a supporting Affidavit and Brief, and the Court having reviewed the same and being fully advised in the premises;

NOW THEREFORE;

IT IS HEREBY ORDERED that Roberto A. Sanchez, for and on behalf of Defendant E and R Masonary Construction, Incorporated (“E and R”), whose registered address is 15972 Merriman Rd., Romulus, Michigan 48174, shall appear telephonically, via conference call, for a judgment debtor examination on **June 25, 2020 at 10:30 a.m.**

IT IS FURTHER ORDERED that:

- a. The judgment debtor examination will be held telephonically, via conference call. Roberto A. Sanchez is hereby instructed to call in to 877-806-9883, using passcode number 435-049-2134 on the aforementioned date and time to be examined under oath concerning the income, property, or other means of satisfying the Judgment entered herein against E and R on November 17, 2017 [Docket No. 28, Page ID No. 200-201].
- b. The court reporter will transcribe the examination from a location separate from the witness via stenographic means.

- c. Counsel for Plaintiffs will be participating in the telephonic examination from a separate location.
- d. The examination will be conducted in accordance with the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that said person shall produce, on or before **June 18, 2020**, either via e-mail to czucker@maddinhauser.com or via first class mail to Craig E. Zucker, 28400 Northwestern Hwy., 2nd Floor, Southfield, Michigan 48034, the following books, records, and papers in his possession, custody or control as they relate to E and R:

1. All checkbooks, check registers, check stubs, canceled checks, bank statements and other documents whatsoever relating to any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization, in which E and R has, or has had, any interest, at any time during the two (2) years immediately preceding the date hereof;
2. Copies of all returns, schedules and forms filed by, or on behalf of, E and R with the Internal Revenue Service, State of Michigan, and any municipal governments, relating to any income received, property owned, business activities, sale or intangibles tax, of E and R at any time during the three (3) years immediately preceding the date hereof;

3. All books of account and accounts receivable ledgers, with accounts receivable ledgers to include (i) the amounts of any accounts receivable, (ii) the names of the customers or account debtors of E and R, and (iii) the addresses and contact information of said customers or account debtors of E and R;

4. List of assets and liabilities;

5. All contracts of purchase, sale, bills of sale, certificates of title and deeds, and all other evidences of title or instruments of whatsoever kind or nature, relating to the purchase, sale or ownership of any property, real or personal, or any interest therein, purchased, sold or owned by, or on behalf of, E and R, at any and all times during the five (5) years immediately preceding the date hereof; and

6. Copies of all profit and loss statements and balance sheets relating to the affairs of E and R prepared by, or on behalf of, E and R at any time during the two (2) years immediately preceding the date hereof.

IT IS FURTHER ORDERED that said Defendant, E and R Masonary Construction, Incorporated, and any officers, directors, employees and agents, and any third party who is served with a true and entered copy of this Order, are restrained from transferring or disposing of any property of E and R, whether now owned, or hereafter acquired by, or becoming due to E and R, except property required for ordinary course of business operations, including disbursements for payroll, taxes, trade vendors, accounts payable and the like, for a period of two

years from the date hereof. This order does not apply to property exempt by law from application to the satisfaction of the judgment.

DATED: June 4, 2020

s/Robert H. Cleland
ROBERT H. CLELAND
United States District Court Judge